

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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|------------------------|---|---------------------------|
| GILBERT CHAIDEZ, |) | ED CV 10-00224-SVW (SS) |
| |) | |
| Petitioner, |) | |
| |) | ORDER ADOPTING FINDINGS, |
| v. |) | CONCLUSIONS AND |
| |) | RECOMMENDATIONS OF UNITED |
| RANDY GROUNDS, Warden, |) | STATES MAGISTRATE JUDGE |
| |) | |
| Respondent. |) | |
| <hr/> |) | |

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all of the records herein, the Report and Recommendation of the United States Magistrate Judge, and all objections thereto. After having made a de novo determination of the portions of the Report and

Recommendation to which Objections were directed, the Court concurs with and adopts the findings and conclusions of the Magistrate Judge.

The Court notes that on April 1, 2010, the California Court of Appeal affirmed Petitioner's conviction on direct appeal in an unpublished decision. People v. Chaidez, No. E047417, 2010 WL 1254585 (Cal. Ct. App., Apr. 1, 2010). This development does not change the present outcome, however, because Petitioner has not exhausted his state court remedies as required by 28 U.S.C. § 2254(b)(1)(A). Because

1 Petitioner has not presented all of his federal claims to the
2 California Supreme Court, his petition is unexhausted. See Libberton
3 v. Ryan, 583 F.3d 1147, 1164 (9th Cir. 2009).

4 IT IS ORDERED that the Petition is denied and Judgment shall be
5 entered dismissing this action with prejudice. IT IS FURTHER ORDERED
6 that the Clerk serve copies of this Order and the Judgment herein on
7 Petitioner.

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9 IT IS SO ORDERED.

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12 DATED: April 20, 2010



13 STEPHEN V. WILSON
14 UNITED STATES DISTRICT JUDGE
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